

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 December 2011

AUTHOR/S: Executive Director / Corporate Manager - Planning and
New Communities

S/1927/09/F - BASSINGBOURN

Retention and refurbishment of existing dwelling, conversion of outbuildings to garage and annex/refuse store and erection of 13 dwellings, garages, access and landscaping following demolition of various outbuildings at The Cedars and The Orchard, 26 South End, for Braxted Homes (Bassingbourn) Ltd

Recommendation: Refusal

Date for Determination: 25th March 2010 (Major Application)

Notes:

This application has been reported to the Planning Committee for determination as the officer recommendation at the request of the local Members as the officers reasons for refusal do not reflect the wider objections of Bassingbourn Parish Council and local residents

Departure Application

Conservation Area

Site and Proposal

1. This full planning application, as amended by drawings received on franked 19 August 2011, relates to a 0.85ha area of land to the west of South End. The site comprises The Cedars, No. 26 South End, a 19th Century detached house standing back from the road in well treed grounds. The site also has numerous existing outbuildings and an area of orchard land to the north, located to the rear of the existing properties in South End and Brook Road.
2. The proposal involves the refurbishment and retention of The Cedars as a single dwelling and the erection of 13 new dwellings, along with conversion of outbuildings to garage and annex/refuse store, following demolition of various outbuildings. The density of the development is 16 dwellings per hectare.
3. The proposal includes five affordable dwellings (Plots 1-5) comprising three 2-bedroom and two 3-bedroom dwellings. The eight new market dwellings comprise three 2-bedroom, three 3-bedroom, one 4-bedroom and one 5-bedroom dwelling. The refurbished Cedars will comprise a 6-bedroom dwelling. The dwellings on Plots 1 and 6 are single storey. Although the submitted layout plan includes a plot 15 there is no plot 13.
4. The plan shows an area of open space to the south of the access roadway at the front of the site.

5. A minimum of two car parking spaces are provided on plot for each dwellings, with the exception of Plots 2-5
6. The access to the site would be in the same location as the existing, although it would be widened at this point. This will require the removal of some existing planting. The access will then plot a new path into the site rather than using the existing route. New pedestrian accesses are created to South End, to the South of the vehicular access.
7. To the south, the site adjoins Bassingbourn Village College and the United Reformed Church, a Grade II listed building. To the west, the site adjoins the rear boundaries of properties in Brook Road. Opposite the existing frontage of The Cedars is the Recreation Ground. On its north and east boundaries, the site adjoins properties in South End.
8. The application is accompanied by a Design and Access Statement (including an Open Space Statement, a Sustainability Statement, a Renewable Energy Statement, a Statement of Community Involvement and a Health Impact Assessment), a Planning Summary Statement, an Ecological Assessment, a Flood Risk Assessment, a Historic Buildings Analysis, and a Trees and Development Report.

Planning History

9. A planning application for 23 dwellings on the site was refused at Planning Committee dated 6th August 2008 (**S/0883/08/F**).
10. An application for Conservation Area Consent for the total demolition of five outbuildings within the site (**S/0872/08/CAC**) was refused on 8th July 2008.
11. A planning application for the erection of five bungalows, including two affordable dwellings on the northern part of the site was submitted in 2004 (**S/1291/04/F**) and remains undetermined, pending the signing of a Section 106 Agreement securing the two affordable units. Access to the development is via a driveway to be constructed between Nos. 14 and 18 South End.
12. In March 2009 an application for the conversion of The Cedars into two semi-detached dwellings, conversion and extension of outbuilding to single dwelling, landscaping and the erection of 17 new dwellings, landscaping and associated car parking following demolition of existing outbuildings was refused (**S/2101/08**). All dwellings were proposed as affordable housing. In determining a subsequent appeal the Inspector determined that the main issues were the effect of the proposal on the character and appearance of Bassingbourn Conservation Area; the living conditions of the occupiers of 22/24 South End, with particular regard to matters of outlook; and the provision of outdoor play space in the area.
13. In dismissing the appeal the Inspector concluded that the proposal failed to preserve or enhance the character or appearance of Bassingbourn Conservation Area. Firstly, he concluded that as the frontage to the houses on plots 19 and 20 of the scheme would consist mainly of paved parking and turning areas this element would present a stark contrast to the planted front gardens identified as a striking aspect of South End in the Conservation Area Appraisal. The hard standing would replace some of the existing mature planting at the front and would be visible from the road, resulting in a serious erosion of the attractive informality of the street scene.
14. Secondly, he was of the view that the proposed single storey dwelling on Plot 1, at the front of the site to the south of the access, would fail to relate to the street scene,

due to its orientation in relation to the church building and the road, and as such would be harmful to the character and setting of the church and the pattern of development along South End.

15. Thirdly, he was concerned that the frontage to The Cedars would be mainly hard paved, with parking spaces very close to it, and that this would detract from its appearance, as it would leave limited areas of planting at the front. Furthermore its rear would be close to the access road and the proposed brick wall would make it appear unacceptably cramped in relation to its overall scale.
16. Finally he concluded in respect of the courtyard of development in the 'old orchard' part of the site, that the number of car parking spaces that would be provided would be such that the general view would be of large expanses of hard paved areas, particularly in front of the dwellings on Plots 8 to 15. He was of the view that this would give an urban appearance to the courtyards, which would conflict with the generally green character and appearance of the area, and concluded that the number of parking spaces, which was as a consequence of the density, would be harmful to the appearance of the development as it would reduce the amount of space that would be available for planting within the public realm.
17. In all other respects the Inspector identified no specific harm.
18. In February 2010 an application (Ref: **S/1928/09/CAC**) for the total demolition of four outbuildings was refused on the grounds that demolition was premature as there were no acceptable proposals for the redevelopment of the site, and would therefore be contrary Policy CH/5 and paragraphs 4.26 and 4.27 of Planning Policy Guidance Note 15, which seek to prevent development which would adversely affect the conservation area.

Planning Policy

19. South Cambridgeshire Local Development Framework (LDF) Core Strategy 2007
ST/6 – Group Villages
20. South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:
 - DP/1** - Sustainable Development
 - DP/2** - Design of New Development
 - DP/3** - Development Criteria
 - DP/4** – Infrastructure and New Development
 - DP/7** – Development Frameworks
 - HG/1** – Housing Density
 - HG/2** – Housing Mix
 - HG/3** – Affordable Housing
 - NE/1** – Energy Efficiency
 - NE/3** – Renewable Energy Technologies in New Development
 - NE/6** – Biodiversity
 - NE/9** – Water and Drainage Infrastructure
 - NE/12** – Water Conservation
 - TR/1** – Planning for More Sustainable Travel
 - TR/2** – Car and Cycle Parking Standards
 - SF/10** – Outdoor Play Space, Informal Open Space and New Developments
 - SF/11** – Open Space Standards

CH/4 – Development within the Curtilage or Setting of Listed Buildings
CH/5 - Conservation Areas

21. South Cambridgeshire Local Development Framework Development Supplementary Planning Documents:

Development Affecting Conservation Areas SPD - Adopted January 2009
Open Space in New Developments SPD - Adopted January 2009
Trees and Development Sites SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
Listed Buildings SPD - Adopted July 2009
District Design Guide SPD – Adopted March 2010
Affordable Housing SPD – Adopted March 2010

22. National Planning Policy

PPS1 General Principles
PPS3. Housing
PPS5: Planning for the Historic Environment
PPS7 Sustainable Development in Rural Areas

Consultation

23. **Bassingbourn Parish Council** recommends refusal. In respect of the latest amended drawing it comments that ‘the application does not comply with the local development framework. The development is not suitable for a conservation area. The appeal decision stated that the development must preserve and enhance the conservation area.
24. In its previous comments it stated: “The proposed development is not substantially different from that turned down by the District Council whose decision was upheld by the Planning Inspector Martin Whitehead (under appeal number APP/W0530/A/09/2105383) who decided that the proposal would ‘fail to preserve or enhance the character and appearance of Bassingbourn Conservation Area’.
25. There has also been the recent change in government policy on the status of ‘gardens’. The Government has amended the definition of ‘brownfield land’ in *Planning Policy Statement 3* which now reads (as far as it is relevant) as follows: *‘Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated infrastructure. The definition excludes.... Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been developed.’* The Cedars consists of a house and garden and orchard and cannot now be reviewed as a ‘brownfield’ site.
26. *The South Cambridgeshire Core Strategy Development Plan Document of January 2007 under Policy ST/6 designated Bassingbourn as a ‘Group Village’ and provided that: ‘Development may exceptionally consist of up about 15 dwellings where this would make the best use of a single brownfield site.’*
27. At the time of the resubmitted application in the Design and Access Statement dated 24th December 2009 the Developer submitted that this development fell within this exception. The site in question is not now a ‘brownfield site’ therefore the exception does not apply and the application does not accord with the Local Development Plan.”

28. The **Local Highway Authority** does not object to the application. It comments that it will not seek to adopt the development due to proposed construction process due to the trees within the site. Visibility splays should be provided as shown on the submitted drawings. Two car parking spaces per dwelling should be provided in this location. The access road should be at 90⁰ to the carriageway of South End for a minimum distance of 10m from the centre line of South End. A ramp/rumble strip should be provided at the entrance to the development, and the proposed footway should be continued on both sides of the access for 2m past this strip. A bin collection point should be provided. The existing access to South End should be closed and the footway/verge reinstated. A Travel Plan should be required by condition. The implications of the long-term maintenance, lighting and surface water drainage of the access road should be considered.
29. The **Conservation Manager** recommended refusal of the application as originally submitted on the grounds of the over intensive number of units and the bulk, scale, location, form, orientation, prominence, design and materials of the proposed development which would be contrary to the character of the conservation area and setting of Listed Buildings. In addition the loss of historic structure on the site, including the nineteenth century garden wall, would also be detrimental to the character of this part of the conservation area. Of particular concern were the proposed plot at the front of the site to the south of the access road, the two dwellings to the north of the access at the front of the site, the treatment of The Cedars where the back of the house faced the street, the form of development in the old orchard area, and the lack of information to judge the impact of the proposed development
30. Having had regard to the Inspector comments and the latest set of revised drawings the Conservation Manager is of the view that the concerns relating to the development at the South End of the site, which includes the omission of the dwelling previously proposed to the south of the road, the revised treatment of The Cedars and surrounding areas, have been addressed, with the exception of the proposed additional pedestrian access onto South End. The development remains unacceptable however in respect to the old orchard area of the site, and the additional footpath to South End.
31. **Cambridgeshire Archaeology** comments that the site lies in an area of high archaeological potential and considers that the site should be subject to a programme of archaeological investigation, which can be secured through the inclusion of a negatively worded condition.
32. The **Urban Design Team** suggested revisions to the original scheme, particularly in respect of the orchard area, which were put to the applicant.
33. The **Trees and Landscape Officer** comments in respect of the revised drawings that a method statement is still required for the installation at the front of the site within the root protection area of the TPO Yew trees. There is an objection to the two paths through the TPO trees on the frontage to access the LAP, and it is queried why two paths are required. Concern continues over future pressure on significant trees within the site, although the comments of the Inspector are noted
34. The **Corporate Manager (Health and Environmental Services)** is concerned that problems could arise from noise and suggests conditions regarding hours of use for power operated machinery and method statement submissions regarding pile driven foundations. Also, requests an informative regarding bonfires and the burning of waste on site.

35. The **Scientific Officer (Contaminated Land)** has considered issues of land contamination on this former farm site. A condition is requested regarding a detailed scheme for the investigation and recording of contamination and remediation objectives.
36. **Anglian Water** states that it owns no assets within the site boundary. The foul flow can be accommodated within the foul sewerage network system that at present has adequate capacity. They require details regarding connection. There are no public surface water sewers within the locality. The applicant will either need to construct their own or requisition the provision under the Water Industry Act 1991. Alternatively, the applicant can find a suitable alternative in agreement with the Environment Agency. Bassingbourn Sewage Treatment Works has available capacity for the flows.
37. The **Housing Development and Enabling Manager** is supportive of the provision of 40% of the dwellings as affordable housing but is concerned that the proposal for all the units to be offered as intermediate housing as this is not in line with the requirements for tenure split in the Affordable Housing SPD. Whilst the mix could not be supported the impact of proposing a 70/30 split in favour of rented units would have on the viability of the scheme could be discussed. Early engagement with a Registered Provider is encouraged
38. The **Ecology Officer** has visited the site again recently with the applicant and comments he found activity of badgers. He suspects that either a badger had become stuck in the site and had taken shelter beneath a shed temporarily or that badgers know where there is seasonable food available and investigate the orchard in late summer. This matter can be dealt with by condition requiring a re-assessment to determine if holes are active and to produce a mitigation strategy according to issues arising. A condition should be added to any consent so that any vegetation is cleared outside the bird nesting period.
39. A greater portion of fruit trees should be retained within rear gardens and a condition should be attached to secure a revised scheme of tree retention. Previous ecological surveys have established that The Cedars provides a bat roost, and prior to any alteration to the building the 2008 survey should be repeated to establish the current roost status. The replanting of suitable fruit trees must be secured by condition, as should a scheme of ecological enhancement (to provide nest box, bat box and deadwood habitats). The site has much potential to provide nest sites for the swift colony associated with this area of Bassingbourn.
40. Bassingbourn has a number of remaining orchards, one of which is managed by the local community, and discussions have previously been held with the applicant the possibility of providing a fund to assist the local community with the community orchard's management.

Representations

41. Letters of objection have been received from the occupiers of Nos 1, 3, 4, 8, 10, 14, 20, 22/24, 33, 54, 60, 76 and 86 South End, Nos 29, 31, 37 and 39 Brook Road, and Nos 1 and 16 The Tanyard. The grounds of objection are summarised below:
 - (a) Contrary to Policy ST/6 which states that Bassingbourn is a Group Village where development limit is 8 dwellings, and exceptionally up to 15 dwellings on brown filed land. Nothing about this scheme is exceptional.

- (b) The scheme represents 'garden grabbing' which Government sees as a threat to urban green space and has reclassified garden land, so that the site is now greenfield and is no longer brownfield, making it easier for councils to reject applications where local people raise objections. This is clear that such development should not be permitted, particularly as the local community is opposed.
- (c) Does not enhance the character or quality of the conservation area – contrary to Development Plan policies and PPS5. Urbanised overdevelopment. South End is a small village road with at least 12 listed buildings and the proposed development has no sympathetic aspects that would augment or blend in with the historic road
- (d) Contrary to Policy DP/2 as it does not preserve or enhance the local area
- (e) Contrary to DP/1, DP/2, DP/3, DP/7, HG/5, CH/4, NE/6, SF/10
- (f) Layout destroys a protected orchard, which is the remaining area and should be left alone.
- (g) Does not complement neighbouring buildings in terms of density. Buildings are inappropriate in terms of mass and ridge heights, and as a result will be highly visible from adjoining and surrounding properties.
- (h) Overlooking of adjacent properties, including 10 South End, with potential for further windows in roofspaces at later date.
- (i) Impact on 22/24 South End - although Inspector previously said impact of dwelling to south of 22/24 South End was acceptable, there is now a gable end which is substantially larger than the roof slope in the previous application, which will be overbearing.
- (j) The lack of justification for the removal of the existing outbuildings, some of which are in good condition. The greenhouse comprises an attractive brick wall. Loss of two buildings which make a positive contribution to the Conservation Area.
- (k) Loss of habitat for wildlife, which should be protected. Ecology survey is out of date. Site has been left unattended and supports a lot of wildlife. Development appears to be close to a badger sett and the applicant should provide an independent assessment to say if this is currently active. Concern about loss of slow worms.
- (l) Highway danger as access is on apex of curve in South End, which restricts visibility onto what is a busy main car, cycling and walking route to and from the junior school and village college.
- (m) Difficult blind junction with High Street and North End, where congestion occurs and has led to a number of near misses and one serious accident near to the junction.
- (n) Traffic survey flawed and based on same incomplete data as the previous submission.
- (o) When recreation ground in use cars parked all along South End and opposite The Cedars.
- (p) Concerns regarding the A1198 junction.
- (q) In sufficient car parking provided within the site
- (r) Bulk of Plots 2 to 5 and impact on 37 and 39 Brook Road, including loss of light to garden areas, along with impact of associated car parking spaces and communal access road, which will become a play area
- (s) Adequate boundary screening to properties in Brook Road has not been provided. Proposed beech hedge along boundary with No37 would prevent maintenance of an outbuilding
- (t) Impact on trees in Conservation Area – the scheme destroys some and damages others. Root systems of preserved trees will be damaged by development and will prejudice their future survival. What evidence exists that retained trees will not suffer from these concerns? There is a further loss of

trees from the scheme dismissed at appeal, which considerably reduces screening previously afforded to neighbouring properties. A large mature protected tree has disappeared from the latest plan – is this an error or an agreed amendment? Concern about future pressure to remove trees as they will result in loss of light to the new dwellings.

- (u) Properties in this part of South End have more generous frontages. The grass verge, mature trees and playing fields, together with well planted frontages to the houses give the area a green, semi-rural character and appearance, which the proposed development would destroy
- (v) Will exacerbate existing local flooding issues and there will be water run-off to adjoining properties. The area suffers from flash floods, the geology, high water table and limited surface water drainage in South End makes surface water problematic and the proposed soakaway is not technically feasible, and is not adequately designed. It is understood the current surface water system is designed to only cope with a severe downfall once in every 30 years.
- (w) Scheme basically the same as that previously turned down at appeal. The overriding point was that the proposed development neither preserved or enhanced the conservation area and could therefore not be classed as an exception site. Although the number of houses has been reduced the build area remains substantially the same. Continued rejection is the only possible outcome. The application has failed to address the strong local concerns
- (x) The occupiers of 20 South End continue to object to the scheme, as the property would be surrounded by the new development. There is only 1 metre between the back of No 20 and the orchard land, and as a result it will be overlooked by the new houses. However if the two semi-detached houses, Plots 11 and 12, were reduced to single storey the impact on No 20 would be reduced. A rendered wall instead of a fence would also be an improvement.
- (y) Disproportionate favour is being given to the developer if planning officers are not applying current legislation to the development. The developer has been afforded an unreasonable amount of time to amend the application and while the application remains undetermined it acts to blight all properties which border the site
- (z) The affordable housing element is not guaranteed. The scheme no longer proposes 100% affordable housing and should therefore not be treated as an exception.
- (aa) Increase in demand for sewage disposal.
- (bb) There is already other housing development taking place in Bassingbourn and a large site in Royston, which are far more suitable.
- (cc) Bassingbourn is poorly served by public transport
- (dd) Lack of local consultation by the developer
- (ee) Lack of local consultation by the developer
- (ff) The site should be treated as two separate plots of land
- (gg) There are inadequate employment opportunities in the village
- (hh) Reduction in number of dwellings welcomed
- (ii) Disruption during construction process
- (jj) Site has not been marketed for many years. A previous proposal for 5 bungalows on the orchard part of the site would be more acceptable.
- (kk) If consent is granted conditions should be attached which require street lighting to be low level and shielded; a full bat and amphibian survey to be submitted prior to work commencing; restriction on working hours during construction; restrict burning of waste; require developers and contractors to act in a reasonable manner.
- (ll) If approved the application is likely to be unlawful and a judicial review will be sought

Planning Comments – Key Issues

42. The key issues regarding the application are the principle of a scheme proposing the erection of 13 new dwellings on the site (total 14), the impact upon the Conservation Area, affordable housing, the impact upon trees, ecology, the impact upon neighbour amenity, highway safety and parking, drainage and flooding, open space provision, and other matters raised. It is also necessary to assess whether the specific issues identified by the Inspector as the reasons for dismissing the earlier appeal have been satisfactorily resolved.

The Principle of the Development

43. Bassingbourn is classified as a Group Village in the Local Development Framework Core Strategy, adopted January 2007. The classification allows residential development up to an indicative maximum size of 8 dwellings within village frameworks and takes into account the facilities in the village and its accessibility. This may exceptionally be extended to about 15 dwellings where this would make the best use of a single brownfield site. The proposal would result in a net gain of 13 units, with 14 dwellings in total.
44. When the current application was originally submitted in December 2009 the site was classified as brownfield land. In June 2010, during the course of the consideration of this application, a revised PPS3 was published which excluded private rear gardens from the definition of brownfield land. The proposal therefore now represents a departure from the development plan and has been advertised as such.
45. The development plan remains the starting point for the consideration of planning applications, however, in each case it is necessary to identify any specific harm that will result from a proposed development .
46. The revised PPS3 also deleted the national indicative minimum density of 30 dwellings. PPS3 however retains a requirement when determining planning applications to use land effectively and efficiently. PPS 3 states that where Local Planning Authorities cannot demonstrate an up-to-date five-year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in the PPS.
47. The Inspectors appeal decision letter (S/2101/08) is a material consideration in the determination of the application. The above paragraphs highlight changes in the status of the land and changes to Government advice since the appeal determination but the Inspector commented on the site specific issues generated by the proposal under consideration at that time and dismissed the appeal specifically on the four issues set out in paragraphs 12-16 above. In all other respects he found no material harm that would arise as a result of the proposed development, and did not make any comment that would infer that a number of dwellings greater than 8 could not be made acceptable on this site. Although the Inspector was considering an application for 100% affordable housing the physical and environmental impact of development is not affected by the tenure of housing.
48. Officers are mindful that there is an extant resolution to approve an application for the erection of 5 dwellings on the orchard part of the site (see History above). This development is to be accessed from a new road between Nos 12 and 14 South End, and is not reliant upon access through The Cedars site. The current application, as amended, proposes the erection of 6 new dwellings on The Cedars part of the site , making a total of 7 dwellings with the existing Cedars house. The Cedars section of

the site has its own access and could be developed separately from the orchard site. Assuming that development of the Cedars site for 7 dwellings and the orchard site by a further 5, there would be total of 12 dwellings on the two sites.

49. There is no policy in the Local Development Framework which restricts cumulative development as a matter of principle, in terms of limiting overall numbers on adjoining sites, although Policy DP/5 does seek to ensure that such schemes do not avoid the requirement for infrastructure contributions, result in piecemeal, unsatisfactory form of development, or prejudice development of a site adjacent or nearby.
50. Officers are therefore of the view that given the potential for the separate development of the two adjoining pieces of land by more than 8 dwellings, that it would be unreasonable object in principle to a development of more than 8 dwellings on a combined site as a departure from the development plan.
51. Officers are also of view that development as a single site is of benefit in that it would negate the need for the creation of a new vehicular access between 12 and 14 South End, which would help preserve the character and appearance of that part of the conservation area.
52. Given the above and the fact that when the application was submitted the site was classified as brownfield land, and initial negotiations took place with the applicant basis, officers are of the view that in principle a development of more than 8 dwellings could be supported on this site as a departure, subject to the detailed scheme being acceptable when considered against other policies/issues.

Density

53. Although the density of the scheme at 16 dwellings per hectare is below the minimum of 30 dwellings per hectare usually sought by development plan policies, officers consider there to be exceptional local circumstances that require a different treatment in order to make best use of land whilst retaining local character.

Need/Mix and Tenure

54. The Housing Development and Enabling Manager supports the provision of 40% of the dwellings as affordable housing units, although the proposal that all units should be offered as intermediate housing does not satisfy the requirements of Policy HG/3 and the Affordable Housing SPD. No viability appraisal has been submitted to demonstrate that there is any justification to depart from the normal mix of tenure sought and therefore in its current form the proposal is unacceptable in this respect.
55. In terms of the mix of the new market housing proposed officers are of the view that the scheme satisfies the requirements of Policy DP/2, with 37% of the new market units being 2-bedroom, 37% 3-bedroom and 25% 4+bedroom.

Impact upon the Conservation Area

56. The application lies in the heart of the Bassingbourn Conservation Area. The Conservation Team remains unsupportive of the development of this site in the manner shown. In coming to this view it has had regard to the Inspectors comments in the appeal decision and the revisions made during the course of the current application.

57. Given this officers are of the view that in respect to the southern section of the site the revised scheme is now acceptable, with the exception of the additional pedestrian to South End. The plot previously proposed at the front of the site, to the south of the entrance has been deleted and this area is now shown as open space. The area at the front of the proposed detached house to the north of the entrance (shown as Plot 15 on the layout plan) has been revised and the area of parking and hardsurfacing re-arranged. The Cedars is now proposed to remain as a single dwelling and the area in front of it is to remain as its front garden, so that the house continues to face towards South End.
58. There remains concern about the layout and design in the orchard section of the site. In dismissing the appeal the Inspector was concerned at the amount of hard paved areas and car parking, which was as a result of the density of development proposed, and that this would be harmful to the appearance of the area. Although the number of dwellings proposed in this area has been reduced the area of hard paved areas remains excessive, and in officers view continues to dominate this area of the development and detract from its character. Officers are also concerned that the height of the proposed houses on Plots 7 and 8, in the north west corner of the site, at 9.4m to ridge, is excessive and will not relate well to other houses in this part of the development and be unduly dominant when viewed from neighbouring dwellings. For these reasons officers are of the view that the development neither preserves nor enhances this part of the Conservation Area.

Demolition of Existing Buildings

59. Conservation Area Consent has been refused for demolition of the building, on the grounds that there is currently no approved scheme for the re-development of the site. The Inspector identified two of the four buildings to be demolished as making a positive contribution to the Conservation Area. One of these, the existing greenhouse in front of The Cedars, is shown as being retained in the current application. The other building, referred to a Building C in the previous appeal is still shown to be removed, however it has now been accepted that the volume of this building is below that which requires Conservation Area Consent for demolition.

Impact on Trees

60. The application is accompanied by a Trees and Development Report. In dismissing the previous appeal on this site the Inspector did not raise an objection to the relationship of proposed dwellings to existing trees on site. In respect of the key trees previously identified by the Trees and Landscape Officer this position remains unchanged. There is however concern about the introduction of a second point of pedestrian access to South End, to the south of the main entrance, and that no information is provided with the application to show how this might impact on existing trees at the front of the site, which are important to the character of the site when viewed from South End. In the absence of any information demonstrating that this pedestrian access can be provided without prejudice to the retention of existing trees it is unacceptable.
61. There are no other concerns raised by the Trees Officer regarding the removal of the trees from the site. Strict conditions would be necessary for foundation work, development within Root Protection Areas, storage of construction materials, and construction methods for the access.

Impact upon Neighbour Amenity

62. In dismissing the previous appeal the Inspector considered concerns raised by the Local Planning Authority regarding the relationship of the proposed dwellings to adjacent properties, in respect of the occupiers of No 22/24 South End, and concluded that the relationship was acceptable. Although the design of the proposed dwelling on the plot adjacent to this dwelling has changed since the previously refused scheme, it retains the same siting and scale and therefore the impact on the occupiers of No 22/24 is unaltered from that which the Inspector deemed to be acceptable.
63. In other respects the Inspector concluded that the relationship to adjacent dwellings was acceptable. The position of dwellings in the south west corner of the site, Plots 2-5 is unchanged and although the parking area has been revised officers are of the view that it does not materially change the impact on dwellings in Brook Road at the rear. A 2.0m high rendered wall is now proposed on the boundary of 37 and 39 Brook Road.
64. Officers are concerned that the proposed dwelling on Plot 6, although single storey, will be overbearing when viewed from 31 Brook Road, given the proximity of both properties to the respective boundaries. A distance of 16m is allowed from the rear wall of the proposed dwellings on Plots 11 and 12, and although the adjacent dwelling, 20 South End, is located very close to the site boundary, Officers are of the view that the distance between the properties will be sufficient to prevent any overbearing impact. No 20 South End is a single storey dwelling and officers are of the view that appropriate boundary treatment and planting will avoid any unreasonable overlooking of ground floor windows. As highlighted above officers are concerned at the overbearing impact if plots 7 and 8 on adjacent dwellings, due to height and proximity to the boundary of the site.

Highway Safety and Parking

65. The proposal has a revised access onto South End. The Local Highways Authority has not objected to the access itself, subject to conditions regarding both vehicle to vehicle and pedestrian visibility splays. They do however state that the access should be at 90° to the carriageway for the first 10m to allow the safe entering and leaving of the site onto South End. This is addressed on the revised drawings.
66. In dismissing the previous appeal the Inspector did not find any reason to object to the development on highway grounds. The present scheme proposes a reduced number of units and I am therefore of the view that this position should be maintained. The Local Highway Authority has confirmed that it retains its view that there is no reason in principle to the proposed development from a highway point of view despite local concerns that traffic conditions in the village have altered since the application was originally submitted.
67. A minimum of two car parking spaces are provided per dwelling. The Local Highway Authority has indicated that it will not seek to adopt the development, and matters that it raises regarding maintenance, street lighting, surface water etc could be addressed by condition

Drainage and Flooding

68. There has again been a considerable amount of local concern about the ability of the existing foul water drainage system to cope with the demands that would arise from the proposed development. Anglian Water has confirmed that there is adequate capacity for foul water discharge. With regards to surface water drainage, there are no public sewers in the locality. The applicant will need to find an alternative method of surface water drainage, which would need to be agreed with the Local Planning Authority following consultation with the Environment Agency. This can be done by condition.
69. The matter of drainage and flooding was not one which formed part of the Inspectors reasons for dismissing the earlier appeal, and the current application proposes a reduced number of dwellings.
70. The comments has been made locally that the high water table in the area may prevent soakaways working satisfactorily on the site. Officers have discussed this concern with the Building Inspector and it is confirmed that whilst a surface water system may need to be designed to address the specific site conditions, it can work satisfactorily. A condition can be imposed requiring details of a surface water drainage scheme to be submitted, which would need to demonstrate that the proposed development will not exacerbate any existing drainage problems in the area.

Ecology

71. The Ecology Officer has visited the site again recently with the applicant. If consent is to be granted conditions can be attached requiring the additional survey work suggested and the submission of schemes for bird and bat box provision. The landscaping scheme can address issues of additional fruit tree retention and new planting. It is possible that the open space contribution for the site could be used for the community orchard, if this approach were to be agreed with the Parish Council.

Open Space Provision

72. The site is in very close proximity to the existing recreation ground and I am therefore of the view that an Informal Play Space need not be provided however a Local Area for Play (LAP) should be provided within the site. The application provides such an area at the front of the site. An off-site contribution of £35,508.66 in line with Policy SF/10 will be required and the applicant has accepted this obligation. The matter can therefore be dealt with by condition.

Other Matters

73. There is likely to be disruption to the village during construction, as there would be for any scheme of this type. A condition can restrict hours of operation for power-operated machinery during the course of construction.
74. In assessing the application officers have noted that the revised site plan, franked 19 August 2011, does not contain a plot 13, and that elevations and floor plans for the plot numbered 15 on the site plan are represented by drawing 08.498 4.09A franked 19 August 2011, which is incorrectly titled plot 14. In addition officers have noted that the site plan contains an error in that it shows the incorrect roof plan for the proposed dwellings plots 7 and 8, the elevations and floor plans of which are shown on drawing 08.498 4.05 franked 5 April 2011.

Conclusion

75. Officers are aware of the strong local concern regarding both the principle and details of this application. For the reasons stated above officers are of the view that this application could be considered as a departure from the development plan in terms of the number of dwellings proposed. However any scheme should demonstrate that it has satisfactorily addressed the grounds upon which the earlier application was dismissed at appeal. Although officers are of the view that the revised scheme has addressed most of these issues, the scheme, in so far as it relates to the area of the old orchard fails to address previous concerns and neither preserves or enhances the Conservation Area, and adversely impacts on neighbour amenities. There is also concern about the proposed second pedestrian access to South End. As currently submitted the application also fails to demonstrate compliance with Policy HG/3 and the Affordable Housing SPD in terms of the tenure for the affordable housing.

Recommendation

76. That the application (as amended), is refused for the following reasons:
1. The proposed development, in the areas of Plots 6 to 12, by reason of the amount of hard surfaced areas and the height of the proposed dwellings on Plots 7 and 8 will neither preserve nor enhance the present rural character of this part of Bassingbourn Conservation Area, contrary to the aims of Policy DP/2 and CH/4 of the South Cambridgeshire Local Development Framework Development Control Policies 2007 and PPS5 Planning for the Historic Environment.
 2. The application proposes a pedestrian access to South End, close to the southern boundary of the site, through an area that contains mature trees which play an important role in the rural character of the site. Inadequate information is provided with the application to demonstrate that this access can be provided without prejudicing the retention and future well-being of the planting on the site frontage, and as a result the development fails to demonstrate that it will preserve or enhance the character of the Conservation Area, contrary to the aims of Policy DP/2 and CH/4 of the South Cambridgeshire Local Development Framework Development Control Policies 2007 and PPS5 Planning for the Historic Environment.
 3. The proposed dwelling on plot 6, by reason of its proximity to the boundary of the site with No 31 Brook Road, will have an overbearing impact when viewed from that dwelling and its garden, and the proposed dwellings on Plots 7 and 8 will, due to the height and proximity to the site boundary, be overbearing when viewed from adjacent properties in Brook Road and South End. The development therefore fails to comply with the aims of Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies 2007, which seeks to ensure that new development does not have an adverse impact upon residential amenity.
 4. The application seeks to provide 5 affordable housing units in line with the requirements of Policy HG/3 of the South Cambridgeshire Local Development Framework Development Control Policies 2007, however the proposed tenure of these houses fails to comply with the requirements of Policy HG/3 and the Affordable Housing SPD adopted March 2010. Inadequate information has been put forward with the application to demonstrate that such an approach is justified in this case.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies 2007
- Planning Files Ref: S/1927/09. S.1928/09/CAC, S/2104/08/CAC, S/0883/08/F, S/0872/08/CAC, S/1291/04/F & S/1687/03/F

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